

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AUMINTRIUS DAMOUR GUNN,

Plaintiff,

v.

STANTON COUNTY—MEDICAL  
CUSTODY DIVISION, *et al.*,

Defendants.

Case No. 2:20-cv-02118-JDP (PC)

FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On April 23, 2021, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 10. I notified plaintiff that it failed state a claim and granted him sixty days to file an amended complaint. *Id.* Plaintiff subsequently requested, and I granted, an extension of time to file an amended complaint. ECF Nos. 9 & 10. Despite that extension, plaintiff failed to timely file an amended complaint. Accordingly, on October 7, 2021, I ordered him to show cause within twenty-one days why this action should not be dismissed for both failure to prosecute and failure to state a claim. ECF No. 15. I notified him that if he wished to continue with this lawsuit, he would need to file an amended complaint. I also warned him that failure to comply with the October 7 order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise  
2 responded to the October 7, 2021, order. Accordingly, it is hereby ORDERED that the Clerk of  
3 Court shall randomly assign a United States District Judge to this case.

4 Further, RECOMMENDED that:

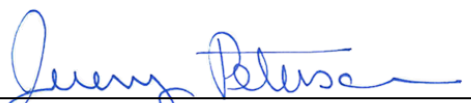
5 1. This action be dismissed for failure to prosecute, failure to comply with court orders,  
6 and failure to state a claim for the reasons set forth in the April 23, 2021, order. *See* ECF No. 10.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, any party may file written  
11 objections with the court and serve a copy on all parties. Such a document should be captioned  
12 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
13 objections shall be served and filed within fourteen days after service of the objections. The  
14 parties are advised that failure to file objections within the specified time may waive the right to  
15 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17  
18 IT IS SO ORDERED.

19  
20 Dated: February 2, 2022

  
21 JEREMY D. PETERSON  
22 UNITED STATES MAGISTRATE JUDGE  
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